IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 30459 of 2006(A)

PETITIONER:

SUKUMARAN, S/O.KRISHNAN,
AGED 42 YEARS, KUTTIYIL HOUSE,
NJAKKANAL MURI, OCHIRA VILLAGE,
KOLLAM DISTRICT.

BY ADV. SRI.T.GOPALAKRISHNAN.

RESPONDENTS:
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1. **THE ASST. EXE. ENGINEER,**
   ELECTRICAL SUB DIVISION,
   KAYAMKULAM.

2. **PREMRAJ, EDAKKAT KIZHAKKATHIL VEEDU,**
   NJAKKANAL MURI, OCHIRA VILLAGE,
   OCHIRA P.O.

3. **THE ADDL. DISTRICT MAGISTRATE,**
   COLLECTORATE, KOLLAM.

4. **THE SUB INSPECTOR OF POLICE,**
   OCHIRA POLICE STATION,
   OCHIRA P.O.

BY ADV.SRI.C.K.KARUNAKARAN, SC FOR KSEB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.30459/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE TAX RECEIPT OF THE PROPERTY FOR THE YEAR OF 2006 ISSUED BY THE VILLAGE OFFICE, OCHIRA DTD. 30/01/2006.

EXT.P.2: COPY OF THE PROCEEDINGS OF THE R.3. DTD. 05/06/2006.

EXT.P.3: COPY OF THE ROUGH SKETCH.

EXT.P.4: COPY OF THE NOTICE DTD. 26/05/07.

RESPONDENT'S EXHIBIT:

EXT.R1.A: COPY OF THE ROUGH SKETCH.

//TRUE COPY//

prv.

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.30459 of 2006

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Dated this the 26th day of June, 2007.

JUDGMENT

The W.P. is filed for direction to the respondents to shift the electric line passing over petitioner's property which is stated to be only six cents of land wherein there is a house, temple etc. The petitioner has suggested an alternate route over a pathway. Even if it is a little longer, I feel line should be drawn over pathway or road, if the same is possible. If drawing of line over petitioner's property is indispensable, then also it should be drawn over the boundary of the property or atleast through underground insulated cable by laying pipeline. Charges also should not be recovered from the petitioner as petitioner is apparently a man without the source to meet such expense. The W.P. is therefore disposed of directing the first respondent to conduct site inspection and if possible, line should be shifted with consent of parties. If there is objection, he should refer the matter with his report on petitioner's suggestion to third respondent for decision under Section 17 of the Telegraph Act. This should be done within a period of three weeks from the date of production of copy of this judgment. In that event, there will be direction to the third respondent to conduct local inspection, hear the parties

and pass orders on petitioner's shifting application within six weeks from date of reference by first respondent.

C.N.RAMACHANDRAN NAIR
Judge

pms